

United States District Court
Southern District of Texas
FILED

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JUL 21 2005

Michael N. Milby, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
LAREDO DIVISION

United States District Court
Southern District of Texas
ENTERED

JUL 25 2005

Michael N. Milby, Clerk
Laredo Division

REYES ET AL

Plaintiff,

v.

MERCK & CO., INC. ET AL

Defendant.

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Civil Action No. L – 05 - 164

OPINION AND ORDER

Pending before the Court is Defendant's Motion to Stay All Proceedings pending its likely transfer to *In re Vioxx Prods Liab. Litig, MDL No. 165*, the Multidistrict Litigation proceeding in the Eastern District of Louisiana.


This case arises out of Plaintiffs' alleged injuries from use of the drug Vioxx. On February 16, 2005, the Multidistrict Litigation Panel issued a transfer order, establishing the aforementioned proceeding in the Eastern District of Louisiana. The transfer order explicitly held that the VIOXX® product liability cases have overlapping questions of fact and also held that "nearly 300 potentially related actions pending in multiple federal districts... will be treated as potential tag-along actions." Although this action was not pending at the time of the transfer order, it appears to be a related case.

The Court finds that staying all judicial proceedings in this case will serve the interests of judicial economy, which 28 U.S.C. § 1407 seeks to promote, without causing undue prejudice to Plaintiffs. For this reason, the Court hereby **GRANTS** Defendant's Motion to Stay All Proceedings. All proceedings in this case are **STAYED** pending consideration by the Judicial

Panel on Multidistrict Litigation regarding the transfer of this case.¹ It is further **ORDERED** that the parties are to inform the Court of the decision rendered by the Judicial Panel on Multidistrict Litigation within five days of their receipt of that decision.

IT IS SO ORDERED.

Done this 21 day of July, 2005, in Laredo, Texas.



MICAELA ALVAREZ
UNITED STATES DISTRICT JUDGE

TO INSURE PROPER NOTICE, EACH PARTY WHO RECEIVES THIS ORDER SHALL FORWARD A COPY OF IT TO EVERY OTHER PARTY AND AFFECTED NON-PARTY EVEN THOUGH THEY MAY HAVE BEEN SENT ONE BY THE COURT.

¹ The Court recognizes that Local Rule 7.3 and Local Rule 7.4 provide the Plaintiff 20 days to respond to Defendants' motion but the Court believes judicial economy will be best served by staying this matter at this time.